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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,472	09/26/2003	Iain J. McNeill	01-7096	8241

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PLANTRONICS, INC.
345 ENCINAL STREET
P.O. BOX 635
SANTA CRUZ, CA 95060-0635

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,472

Applicant(s)

MCNEILL ET AL.

Examiner

Angela A. Armstrong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 5 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims rejected under 35 U.S.C. 102(e) as being anticipated by Dewan (US Patent No. 7,043,008).

Dewan discloses a system and method for selectively monitoring, recording, storing, and handling telephone conversations through the use of speech analysis.

Regarding claim 1, Dewan discloses detecting voice activity on at least one of a receive and a transmit channel in a communication system; outputting voicing decision outputs based on the step of detecting; storing the voicing decision outputs over a period of time to memory; and generating a voice activity performance metric based on the voicing decision output stored in the memory (col. 2, line 41 continuing to col. 3, line 34).

Regarding claim 5, Dewan discloses the performance metric facilitates detecting at least one of voice strain, stress, and excessive double talk (col. 2, line 41 continuing to col. 3, line 34).

Regarding claim 7, Dewan discloses outputting the voice activity performance metric to a display (col. 2, line 41 continuing to col. 3, line 34).

Regarding claim 8, Dewan discloses the step of detecting is performed throughout an active call via the communication system (col. 2, line 41 continuing to col. 3, line 34).

Regarding claim 9, Dewan discloses the step of detecting includes detecting voice activity on both the receive channel and the transmit channel in the communications system (col. 2, line 41 continuing to col. 3, line 34).

Regarding claim 11, Dewan discloses automatically routing calls based at least in part on the voice activity performance metric (col. 2, line 41 continuing to col. 3, line 34).

Regarding claims 12, 17-20 and 22: claims 12, 17-20 and 22 are similar in scope and content to claims 1, 5, 7-9 and 11, and therefore are rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6, 10, 13-16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewan in view of Maloney et al (US Patent No. 5,696,811).

Regarding claims 2-4, 6, 10, 13-16, and 21 Dewan does not teach monitoring the conversations over a predetermined period of time or tracking the durations of the phone calls. Maloney discloses a method and system for automatically monitoring the performance quality of call center service representatives. Maloney discloses the system is available for monitoring for a specific time or range, tracking the number of extensions monitored, the number of channels

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monitored, the duration of the monitoring periods, time intervals of monitoring periods, and generates a report to the supervisor (col. 5, line 18 to col. 14, line 44). Maloney discloses the system assists in ensuring consistency and equity across call center agent performance evaluation. It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Dewan to implement monitoring at predetermined time periods and tracking duration and time interval information associated with call center agent phone calls, as suggested by Maloney, for the purpose of ensuring consistency and equity across call center agent performance evaluation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van Berkum et al (US Patent No. 5,818,909)

Chan et al (US Patent No. 6,600,821).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Angela A. Armstrong
Primary Examiner
Art Unit 2626

AAA
June 20, 2007